



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable Sam A. Hough, Jr.  
County Attorney  
Edwards County  
Rocksprings, Texas

Dear Sir:

Opinion No. O-1994  
Re: Special fish law applicable  
to counties named in House  
Bill No. 1114.

Thank you for your letter of February 22, 1940, calling our attention to House Bills 997 and 1114, passed by the Forty-sixth Legislature, and requesting the opinion of this Department as to whether or not House Bill 1114 repeals by implication other special fish laws for the counties named therein, passed at other sessions of the Legislature; and in addition, whether or not House Bill 1114 should be construed together with House Bill 997 as the present fish law for Kerr County, Texas.

House Bill No. 997 reads as follows:

"Section 1. No person, firm, or corporation, or their agent or agents shall take, catch, or have in his or their possession any catfish, bass, perch, or crappie taken from any fresh waters in Kerr County, Texas, from the first day of February to the first day of June of any year.

"Section 2. All laws or parts of laws including Page 42 of Chapter 202, Acts of the Forty-first Legislature, 1929, as amended, in so far as they apply to the County covered hereby and conflicting with any portion of this Act, be, and the same are hereby repealed.

"Section 3. Any person violating any provision of this Act shall be deemed guilty of misdemeanor and upon conviction shall be fined not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50).

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"Section 4. The fact that the existing law regarding the fishing season in the above-named County does not adequately provide for the preservation of the fish in the public waters thereof creates an emergency and an imperative public necessity requiring that the Constitutional Rule requiring bills to be read on three several days in both Houses be suspended, and such Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

House Bill No. 1114, also passed by the Forty-sixth Texas Legislature, reads as follows:

"Section 1. West Texas Counties - Fishing Law.

"It shall be unlawful in the Counties of Bandera, Kerr, Edwards, Real, Sutton, Mason, Menard, Blanco, Kendall, or Gillespie to take or attempt to take any fish by any method, means, or device equipped with more than two (2) hooks, except artificial lures used with a rod and reel. Bottles, caps, and floats, of any kind shall not be used unless the line to which the hooks are attached is tied securely to a stationary object or held by the fisherman. This shall not prohibit the use of a minnow seine not more than twenty (20) feet in length for the purpose of taking minnows for bait. (Underlining ours)

"Section 2. Possession Unlawful.

"It shall be unlawful for any person in any of the above named Counties to take or have in his possession any catfish less than nine (9) inches in length or any bass less than eleven (11) inches in length or any crappie less than seven (7) inches in length.

"Section 3. Bag Limit.

"It shall be unlawful for any person in the above named Counties to take in any one day or to have in possession at any one time more than ten (10) bass or more than ten (10) catfish, or more than ten (10) crappie or more than fifteen (15) perch or more than ten (10) bream,